IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14538 of 2005

Between:

Dr. P. Chandrasekhar, S/o. Smt. P. Vijayamma
R/o. Hyderabad.

..... PETITIONER

AND

1 N.T.R. University of Health Sciences, Vijayawada, Rep. by its Registrar.
2 State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Secretariat Buildings, Saifabad, Hyderabad.
3 Dr. Padmaja Dasi, D/o. & S/o. not known to the petitioner, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order or direction more particularly one in the nature of Writ of Mandamus; a) Declaring the action of the respondents in not admitting the writ petition in M.D. Ayurveda Kaya Chikitsa Course and admitting the 3rd respondent in M.D. Ayurveda Kaya Chikitsa for the academic year 2004-2005 in spite of her securing a far less mark than the petitioner as arbitrary, illegal and violative of the rights guaranteed to the petitioner under Articles 14 & 16 of the Constitution of India; b) Consequently direct the respondents to consider the case of the writ Petitioner for admission in to M.D. Ayureda Kaya Chikitsa Course for the academic year 2004-2005 and pass such order or further orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.ABHINAND KUMAR SHAVILI

Counsel for Respondent No.1: Mr.D.V.NAGARJUNA BABU

Counsel for Respondent No.2: G.P. for Medical & Health,

Counsel for Respondent No.3: None appeared

The Court made the following :

O R D E R:

This Writ Petition is filed by the petitioner aggrieved by the action of the respondents in not providing a seat to him in M.D.(Ayurveda) Course.

2. According to the petitioner, he has completed his degree including the internship by June 2005, and accordingly appeared for the entrance examination, which was conducted for providing admissions into the Post Graduate course and secured a rank of 137. According to the petitioner he belongs to Scheduled Caste community and comes under the Osmania University region as a local candidate. It is also claimed that the petitioner stands at 8th place among the S.C. Candidates. But, however, according to the petitioner, he was not awarded a seat, but the seat was awarded to another S.C. candidate, who secured 208th rank, coming under Andhra University region. Since the petitioner got a better rank than the said allottee, who is impleaded as 3rd respondent, he ought to have been allotted the said seat. Hence, the petitioner has come up with the present Writ Petition.

3. At the time of hearing the learned counsel for the petitioner referred to the proceedings of the Government in G.O.Ms.No.515, dated 11.05.2005 under which the Government ordered for allotment of seats for the academic years 2004-05 and 2005-06 basing on the ranks obtained in the Entrance Test conducted for the year 2005-06. Therefore, according to the petitioner, the seats that are available for both the years, including the seats reserved for Scheduled Caste Candidates, have to be clubbed, and thereafter the allotment has to be made, and if so made, as the petitioner, who stood at 8th place among the Scheduled Caste Candidates, ought to have been allotted a seat. The learned counsel also referred to the notice dated 06.06.2005 issued by the 1st respondent-University, where there was a specific reference that for allotment of seat for the academic year 2004-05, the candidates

have to complete internship on or before 31.10.2004. But, however, according to the petitioner, contrary to the said notice one candidate was allotted a seat for the academic year 2004-05, who had completed internship by December 2004. Therefore, the petitioner is entitled for allotment of a seat, though he had completed the course including internship by June 2005 for the academic year 2004-05.

4. No counter is filed. However, these contentions are opposed by the learned Standing Counsel for the Respondent-University. It is contended by the learned Standing Counsel that in view of the lapse of one academic year and in order to give the benefit to the students, the Government ordered to provide admissions for two years basing on the ranks obtained by the students at the entrance test conducted for the year 2005-06. But, there was no direction or any Rule for providing admissions jointly for both the years, since both the years are separate, and even the eligibility as to the cut off date by which one has completed the course is different, therefore, they cannot be clubbed together for allotment of seats to the students. The learned Standing Counsel also states that there are only three seats reserved for the Scheduled Caste Candidates as per the prospectus and those three seats are to be allotted as per the Presidential Order – one to each of the three regions. If so allotted, there will be only one seat available to the Osmania University local Scheduled Caste Candidates. According to the merit, among the Osmania University area Scheduled Caste Candidates, one student, who has obtained the rank of 127, is allotted a seat in Kaya Chikitsa course. Apart from these three seats, there is one more seat, as no Scheduled Tribe Candidate was available, and therefore, the same is converted for Scheduled Caste Candidates. The converted seat was allotted on over all merit and accordingly the rank holder of 135 was allotted the same. Therefore, the petitioner cannot make any claim for allotment of a seat to him, and hence prayed for dismissal of the Writ Petition.

5. Heard the both sides and considered the material on record.

6. The grievance of the petitioner is that the reserved seats for the academic years 2004-05 and 2005-06 are to be clubbed and have to be filled up on merit according to the ranks by the students, and if so, the petitioner is entitled for admission as he is one among the eight candidates on merit among Scheduled Caste Candidates. The

claim made by the petitioner is clearly unsustainable as it is without reference to the mode of allotment in terms of the Presidential Order. In addition, the admissions for the academic years 2004-05 and 2005-06 are held separately, and, in fact, the petitioner, who had completed his internship in June 2005, is not at all eligible for seeking admission into the academic year 2004-05 in terms of the notice, apart from the fact that the admissions were conducted separately for each academic year. Since the seats for the academic year 2005-06 are allotted to the Scheduled Caste Candidates having better rank than the petitioner, the petitioner cannot make any claim against them.

6. Therefore, the Writ Petition is devoid of any merit, and the same is accordingly dismissed. No costs.

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S.Ananda Reddy, J.

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To

1. The Principal Secretary to Government, Secretariat Buildings, Saifabad, Hyderabad.

2. The Registrar, N.T.R. University of Health Sciences, Vijayawada

3. G.P. for Medical & Health, High Court Buildings, Hyderabad.

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THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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